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CLERK US DISTRICT COURT
DISTRICT OF ARIZONA

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CR-24-05616-TUC-RM(JR)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,
Plaintiff,

vs.

Francisco Duray Bell, -001,
Counts 1-15,
Ismael Higuera-Avalos, -002,
Counts 1-3, 16-28
Ezekqio Chavez, -003,
Counts 1-3
Carlos Martinez, -004
Counts 1-3
Brian Mendez Sotelo, -005
Counts 1-3
Anthony Tomas Avalos, -006
Counts 1-3
Marcus Morin, -007
Counts 1-3, 29-35

Defendants.

No.

**FIRST SUPERSEDING
INDICTMENT**

VIO: 18 U.S.C. § 933(a)(3) & (b)
(Trafficking in Firearms)
Count 1
18 U.S.C. § 554(a)
(Conspiracy to Smuggle Goods from
the United States)
Count 2
18 U.S.C. § 924(k)(2)(B)
(Conspiracy to Smuggle Firearms
Out of the United States)
Count 3
18 U.S.C. §§ 922(a)(6) and
924(a)(2)
(Material False Statement
During the Purchase of a Firearm)
Counts 4-35
18 U.S.C. §§ 924(d) and
934(a)(1)(A);
28 U.S.C. § 2461(c)
50 U.S.C. § 4819(d)(1)(B)
(Forfeiture Allegation)

THE GRAND JURY CHARGES:

COUNT 1

On or about a date unknown through February 7, 2025, in the District of Arizona, Defendants FRANCISCO DURAY BELL, ISMAEL HIGUERA-AVALOS, EZEKQIO CHAVEZ, CARLOS MARTINEZ, BRIAN MENDEZ SOTELO, ANTHONY TOMAS AVALOS and MARCUS MORIN did receive, attempt to receive, and conspire to receive from another person, in or otherwise affecting interstate or foreign commerce, firearms, knowing or having reasonable cause to believe that such receipt would constitute a felony, to wit: 18 U.S.C. § 554(a), 18 U.S.C. § 924(k)(2)(B), Ariz. Rev. Stat. § 13-3102.

All in violation of Title 18, United States Code, Section 933(a)(3) and (b).

COUNT 2

On or about a date unknown through February 7, 2025, in the District of Arizona, Defendants FRANCISCO DURAY BELL, ISMAEL HIGUERA-AVALOS, EZEKQIO CHAVEZ, CARLOS MARTINEZ, BRIAN MENDEZ SOTELO, ANTHONY TOMAS AVALOS and MARCUS MORIN knowingly conspired and attempted to export and send from the United States any merchandise, article, or object contrary to any law or regulation of the United States, and received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of such merchandise, article or object, that is: firearms, knowing the same to be intended for exportation contrary to any law or regulation of the United States, to wit: Title 50, United States Code, Section 4819; Title 15, Code of Federal Regulations, Part 736.2; Title 15, Code of Federal Regulations, Part 774; and Title 15, Code of Federal Regulations, Part 738.

In violation of Title 18, United States Code, Section 554(a).

COUNT 3

On or about a date unknown through February 7, 2025, in the District of Arizona, Defendants FRANCISCO BELL, ISMAEL HIGUERA-AVALOS, EZEKQIO CHAVEZ, CARLOS MARTINEZ, BRIAN MENDEZ SOTELO, ANTHONY TOMAS AVALOS, and MARCUS MORIN did knowingly conspire to smuggle or take out of the United States firearms with intent to engage in or to promote conduct that constitutes a felony, to wit:

Title 18, United States Code, Sections 554(a) and 2, Smuggling of Goods from the United States, aiding and abetting.

In violation of Title 18, United States Code, Section 924(k)(2)(B).

COUNTS 4-15

On or about the dates listed below, in the District of Arizona, the defendant, FRANCISCO DURAY BELL, in connection with the acquisition of firearms, knowingly made false statements and representations to the businesses listed below, which were intended and likely to deceive the business as to a fact material to the lawfulness of a sale of a firearm by the business, each of which was licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of each business listed below, in that the defendant, in connection with the purchase of each of the firearms below, stated that he was the actual transferee/buyer of the firearm, whereas in truth and fact, he was knowingly acquiring the firearm on behalf of another individual:

Count	Date	FFL	Firearms
4	06/12/2024	Glockmeister	Glock G20 G4
5	06/13/2024	Glockmeister	Glock G27 pistol
6	06/28/2024	Glockmeister	One (1) Glock G22OD pistol, and one (1) Glock G29SF pistol
7	07/11/2024	Glockmeister	One (1) Glock G29 Gen4, 9mm caliber, pistol and one (1) Glock G19 G5 10mm pistol
8	07/30/2024	S2 Armament	Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifles
9	08/03/2024	Virtus Armament	Two (2) Pioneer Arms, model sporter, 7.62x39mm caliber rifles and one (1) Century Arms, model VSKA, 7.62x39mm caliber rifle

1			Baseline Pawn	Two (2) Century Arms, model VSKA,
2	10	08/03/2024		7.62x39mm caliber rifles
3			Phoenix Gun Co.	Five (5) Century Arms, model VSKA,
4				7.62x39mm caliber rifle, serial numbers
5	11	08/03/2024		SV7151295, SV7151316 and SV7151542
6			Phoenix Gun Co.	Three (3) Century Arms, model VSKA,
7				7.62x39mm caliber rifle, serial numbers
8	12	08/03/2024		SV7151586, SV7151576 and SV7151655
9				Three (3) Century Arms, model VSKA,
10				7.62x39mm caliber rifles, serial numbers
11	13	08/04/2024	Arizona State Armory	SV7151790, SV151898 and SV7151896
12				Two (2) Century Arms, model VSKA,
13	14	08/04/2024	Armor Bearer Arms	7.62x39mm caliber rifles
14			Baseline Pawn	Three (3) Century Arms, model VSKA,
15	15	08/04/2024		7.62x39mm caliber rifle

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNTS 16-28

On or about the dates listed below, in the District of Arizona, the defendant, ISMAEL HIGUERA-AVALOS, in connection with the acquisition of firearms, knowingly made false statements and representations to the businesses listed below, which were intended and likely to deceive the business as to a fact material to the lawfulness of a sale of a firearm by the business, each of which was licensed under the provisions of Chapter 44 of Title 18, United States Code, with respect to information required by the provisions of Chapter 44 of Title 18, United States Code, to be kept in the records of each business listed below, in that the defendant, in connection with the purchase of each of the firearms below, stated that he was the actual transferee/buyer of the firearm, whereas in truth and fact, he was knowingly acquiring the firearm on behalf of another individual:

1	Count	Date	FFL	Firearms
2		5/24/2024	Baseline Pawn	Two (2) Century Arms, model VSKA,
3	16			7.62x39mm caliber rifles
4		5/28/2024	Baseline Pawn	Two (2) Century Arms, model VSKA,
5	17			7.62x39mm caliber rifles
6				Pioneer Arms AK47 7.62x39mm caliber
7	18	06/05/2024	S2 Armament	Sporter rifle
8		6/27/2024	S2 Armament	One (1) Pioneer Arms AK47 7.62x39mm
9				caliber Sporter rifle, and one (1) Century
10				Arms, model VSKA, 7.62x39mm caliber
11	19			rifle
12		7/9/2024	S2 Armament	One (1) Century Arms, model VSKA,
13				7.62x39mm caliber rifle, and one (1) Pioneer
14	20			Arms AK47 7.62x39mm Sporter rifle
15		7/16/2024	S2 Armament	Three (3) Century Arms, model VSKA,
16	21			7.62x39mm caliber rifles
17		7/31/2024	S2 Armament	Two (2) Century Arms, model VSKA,
18	22			7.62x39mm caliber rifles
19		8/2/2024	Baseline Pawn	Three (3) Century Arms, model VSKA,
20	23			7.62x39mm caliber rifles
21		8/3/2024	Armor bearer arms	Two (2) Century Arms, model VSKA,
22	24			7.62x39mm caliber rifles
23		8/3/2024	Phoenix Gun Co.	Three (3) Century Arms, model VSKA,
24	25			7.62x39mm caliber rifles
25		8/4/2024	Baseline Pawn	Three (3) Century Arms, model VSKA,
26	26			7.62x39mm caliber rifles

1		08/4/2024	Arizona State Armory	Three (3) Century Arms VSKA 7.62 caliber
2	27			rifles
3		08/04/2024	Virtus Armament	One (1) Pioneer Arms Corp. model Hellpup
4	28			556 NATO rifle

5 In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

6 **COUNTS 29-35**

7 On or about the dates listed below, in the District of Arizona, the defendant,
8 MARCUS MORIN, in connection with the acquisition of firearms, knowingly made false
9 statements and representations to the businesses listed below, which were intended and
10 likely to deceive the business as to a fact material to the lawfulness of a sale of a firearm
11 by the business, each of which was licensed under the provisions of Chapter 44 of Title 18,
12 United States Code, with respect to information required by the provisions of Chapter 44
13 of Title 18, United States Code, to be kept in the records of each business listed below, in
14 that the defendant, in connection with the purchase of each of the firearms below, stated
15 that he was the actual transferee/buyer of the firearm, whereas in truth and fact, he was
16 knowingly acquiring the firearm on behalf of another individual:

18	29	10/2/24	Harris Brothers	Three (3) Century
19			Tactical	Arms VSKA 7.62x39
20				rifles
21	30	9/3/24	Glockmeister	Two (2) Century BFT
22				Core Rifles
23				7.62x39mm
24	31	10/8/24	Glockmeister	Two (2) Century
25				Arms VSKA
26				7.62x39mm rifles
27	32	9/3/24	Litchfield Arsenal	One (1) Century
28				

			Arms VSKA 7.62x39mm rifle
33	10/1/24	Ammo AZ	One (1) Century Arms Micro Draco 7.62x39mm pistol and two (2) Century Arms VSKA 7.62x39mm rifles
34	10/8/24	Ammo AZ	Two (2) Pioneer Arms USA Sporter 7.62x39mm rifles and one (1) Pioneer Arms Hellpup 7.62x39mm rifle
35	10/10/24	Ammo AZ	Three (3) Pioneer Arms USA Sporter 7.62x39mm rifles

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

FORFEITURE ALLEGATION

Upon conviction of Counts One through Thirty-Five of the Indictment, the defendants, FRANCISCO BELL, ISMAEL HIGUERA-AVALOS, EZEKQIO CHAVEZ, CARLOS MARTINEZ, BRIAN MENDEZ SOTELO, ANTHONY TOMAS AVALOS and MARCUS MORIN, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in the commission of the offense, including, but not limited to:

Firearms	Serial Number(s)
Sixteen (16) Century Arms, model VSKA, 7.62x39mm caliber rifles	SV7151898, SV7148245, SV7147825, SV7148641, SV7151790, SV7148316, SV7152101, SV7151569, SV7152169, SV7152048, SV7148492, SV7151292, SV7147886, SV7150199, SV7150572, SV7151896
Pioneer Arms, model HellPup, 5.56 caliber rifle	PAC24PL17852
Six (6) Century Arms, 7.62x39mm caliber rifles	SV7144230, SV7159402, SV7157736, SV7157964, BFT47021421, BFT47021450
Glock G20 G4	BYNL146
Glock G27 pistol	BZCV693
Glock G22OD pistol	BYWE506
Glock G29SF pistol	BZCX286
Glock G29 Gen4, 9mm caliber, pistol	BZSK881
Glock G19 G5 10mm pistol	CDDD451
Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifles	SV7149851, SV7149931
Two (2) Pioneer Arms, model sporter, 7.62x39mm caliber rifles	PAC24PL22852, PAC24PL23112
Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifle	SV151659, SV7151537
Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifles	SV7148367, SV7148396

Five (5) Century Arms, model VSKA, 7.62x39mm caliber rifle	SV7151295, SV7151316, SV7151542, SV7151539, SV7151671
Three (3) Century Arms, model VSKA, 7.62x39mm caliber rifle	SV7151586, SV7151576, SV7151655
Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifles	SV7148119, SV7147971
Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifles	SV7148450, SV7147781
Pioneer Arms AK47 7.62x39mm caliber Sporter rifle	PAC24PL20880
Pioneer Arms AK47 7.62x39mm caliber Sporter rifle	PAC24PL20805
Century Arms, model VSKA, 7.62x39mm caliber rifle	SV7150084
Century Arms, model VSKA, 7.62x39mm caliber rifle	SV7149702
Pioneer Arms AK47 7.62x39mm caliber Sporter rifle	PAC24PL20952
Three (3) Century Arms, model VSKA, 7.62x39mm caliber rifles	SV7150062, SV7149913, SV7150058
Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifles	SV7151926, SV7150456
Three (3) Century Arms, model VSKA, 7.62x39mm caliber rifles	SV7149114, SV7149312, SV7149293
Two (2) Century Arms, model VSKA, 7.62x39mm caliber rifles	SV7150390, SV7150512

Three (3) Century Arms VSKA 7.62x39 caliber rifles	SV7152665, SV7152594, SV7152660
Two (2) Century BFT Core 7.62x39mm caliber rifles	BFT47022587, BFT47021327
Two (2) Century Arms VSKA 7.62x39mm caliber rifles	SV7154706, SV7152937
Century Arms VSKA 7.62x39mm caliber rifle	SV7150640
Century Arms Micro Draco 7.62x39mm caliber pistol	24PMD-53438
Two (2) Century Arms VSKA 7.62x39mm caliber rifles	SV7153582, SV7153484
Two (2) Pioneer Arms USA Sporter 7.62x39mm caliber rifles	PAC23PL16225, PAC24PL21805
Pioneer Arms Hellpup 7.62x39mm caliber rifle	PAC24PL24951
Three (3) Pioneer Arms USA Sporter 7.62x39mm caliber rifles	PAC23PL16347, PAC23PL16195, PAC23PL16291
Eight (8) Pioneer Arms 7.62x39mm caliber Sporter rifles	PAC24PL22984, PAC23PL16206, PAC24PL22992, PAC23PL16162, PAC24PL22986, PAC24PL25461, PAC23PL16213, PAC24PL22953
Two (2) Pioneer Arms 7.62x39mm caliber GROM rifles	PAC24PL25060, PAC24PL22096

1 2 3 4 5 6	Six (6) DPMS Panther Arms 7.62x39mm caliber Anvil AK47 rifles	AVS4702544, AVS4702571, AVS4702548, AVS4702555, AVS4703147, AVS4702567
7 8 9 10 11 12 13 14 15 16 17 18 19 20	Five (5) Century Arms 7.62x39mm caliber BFTE47 rifles	BFT47023404, BFT47022652, BFT47011807, BFT47022776, BFT47022119
21 22 23 24 25 26 27 28	Twenty-Eight (28) Century Arms 7.62x39mm caliber VSKA rifles	SV7089691, SV7101068, SV7101085, SV7152713, SV7152540, SV7154798, SV7152506, SV7152924, SV7152433, SV7152432, SV7153571, SV7154794, SV7154808, SV7100927, SV7152974, SV7153252, SV7152711, SV7152487, SV7145341, SV7100647, SV7152503, SV7152504, SV7145423, SV7154857, SV7153205, SV7152297, SV7152532, SV7152587

Upon conviction of Counts One through Two of the Indictment, the defendants, EZEKQIO CHAVEZ and BRIAN MENDEZ SOTELO, shall forfeit to the United States: (1) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of the offense, pursuant to Title 18, United States Code, Section 934(a)(1)(A); and (2) any property constituting or traceable to the gross proceeds taken, obtained, or retained, in connection with or as a result of the violation, pursuant to Title 50, United States Code, Section 4819(d)(1)(B), including, but not limited to: \$12,192 in United States

1 currency and \$4,185 in United States currency.

2 If any of the property described above, as a result of any act or omission of the
3 defendants: a) cannot be located upon the exercise of due diligence; b) has been transferred
4 or sold to, or deposited with, a third party; c) has been placed beyond the jurisdiction of
5 the court; d) has been substantially diminished in value; or e) has been commingled with
6 other property which cannot be divided without difficulty, it is the intent of the United
7 States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title
8 28, United States Code, Section 2461(c), to seek forfeiture of any other property of said
9 defendants up to the value of the above forfeitable property, including, but not limited to,
10 all property, both real and personal, owned by the defendants.

11 All pursuant to Title 18, United States Code, Sections 924(d) and 934(a)(1)(A), Title
12 28, United States Code, Section 2461(c), Title 50, United States Code, Section
13 4819(d)(1)(B), and Rule 32.2(a), Federal Rules of Criminal Procedure.

14
15 A TRUE BILL

16
17 FOREPERSON OF THE GRAND JURY
Date: August 28, 2024

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19
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